

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EARNEST RAYBON,
RAYMOND HARRIS,
RAYMOND MAYES,
JAMES MAYES,
BELINDA DOUGLAS,
LARONDA RAYBON,
MAJUANA RAYBON,
LAWANDA WOOLDRIDGE,
JOHNNY LEE HAMILTON,
LENIER RAYBON,
MELVIN RAYBON,
DIANE CAMPBELL,
MARNIQUE RAYBON,
VINSON RAYBON, JR.
LORENZO RAYBON,
DENISE RAYBON,
DELORES RAYBON,
DONNA RAYBON,
BARBARA ANN PAYNE,
JAMES OLIE RAYBON,
ETHEL CARNELL,
BEVERLY MORRIS,
JOHNNY LEE MORRIS, JR.,
OCIE BIRDON,
JESSIE RAY TAYLOR, and
LUCILLE RAYBON-MAULDAN.

Plaintiffs,

vs.

THE CITY OF SAINT LOUIS,
a municipal corporation

RONALD H. SMITH,
Building Division Commissioner
City of St. Louis

JAMES WILLIAMS d/b/a
J&D TRUCKING
an individual

No. 4:03CV1205-SNL

and)
)
METROPOLITAN SEWER DISTRICT,)
a public service district)
)
Defendants.)

ORDER, JUDGMENT AND DECREE

Now on this 2nd day of March, 2007, this cause coming on for hearing on Count XVII of the Amended Complaint to Quiet Title to the property located at 2740 Hickory Street, St. Louis, Missouri, appears Plaintiffs, along with their attorneys, and Defendant City of St. Louis, by and through its counsel. The remaining defendants, their unknown heirs, devisees, grantees, assignees, legatees, administrators, executors, guardians, mortgagees, trustees, legal representatives, corporations or successors claiming by, through, or under them, although duly notified and served by publication, as required by law, and although being called, appear not and are in default.

This Court has authority to entertain jurisdiction over Plaintiffs' count to quiet title because the original petition filed in the Twenty Second Judicial Circuit of the State of Missouri raised particular federal questions that arise out of 42 U.S.C. § 1983. Hence, this Court has original jurisdiction over the case pursuant to 28 U.S.C. § 1331, and Defendants therefore, properly removed the case from Missouri State Court to this Court pursuant to 28 U.S.C. § 1441. 28 U.S.C. § 1367(a) gives the Court the power to exercise Supplemental Jurisdiction over all other claims that are so related to claims in the action over which the Court has original jurisdiction, and therefore, this Court may exercise its Supplemental Jurisdiction powers to hear and decide the count to quiet title in this action.

The parties, waiving a jury on the count to quiet title, submit the cause to the Court on the Complaint herein and the evidence and proof adduced. The Court, having heard and considered the following evidence, and being fully advised in the premises, finds the issues for the Plaintiffs.

Marie Raybon died intestate on November 9, 1977 holding title in fee simple to the property commonly known as 2740 Hickory Street, St. Louis Missouri.

The Court heard live testimony from Ernest Raybon, the son of Marie Raybon, as to the living lineal descendants of Marie Raybon and who have an interest in the subject property. Those descendants are: Raymond Mayes, James Mayes, Belinda Douglass, Raymond Harris, LaRonda Raybon, Majuana Raybon, LaWanda Woodridge, Johnny Lee Hamilton, Lenier Raybon, Melvin Raybon, Marnique Raybon, Vinson Raybon Jr., and Lorenzo Raybon, Denise Raybon, Delores Raybon, Donna Raybon, Barbara Ann Payne, James Olie Raybon, Ernest Raybon, Ethell Carnell, Beverly Morris, Jessie Ray Taylor, and Lucille Raybon-Mauldan.

Notice by publication was granted under Rule 4(e) of the Federal Rules of Civil Procedure and was properly executed in accord with Rule 54.12 of the Missouri Rules of Civil Procedure. The notice was published once a week for four (4) consecutive weeks in the *St. Louis Daily Record*, beginning on December 13, 2006, and an affidavit of publication has been filed with this Court.

No claimant filed an answer or other pleading or otherwise appeared and defended within forty-five (45) days after the date of publication, and therefore, pursuant to Rule 45.12(c)(3)(F) judgment by default will be entered against such claimants.

The Court hereby finds, adjudges and decrees that the Raymond Mayes, James Mayes, Belinda Douglass, Raymond Harris, LaRonda Raybon, Majuana Raybon, LaWanda Woodridge, Johnny Lee Hamilton, Lenier Raybon, Melvin Raybon, Marnique Raybon, Vinson Raybon Jr.,

and Lorenzo Raybon, Denise Raybon, Delores Raybon, Donna Raybon, Barbara Ann Payne, James Olie Raybon, Ernest Raybon, Ethell Carnell, Beverly Morris, Jessie Ray Taylor, and Lucille Raybon-Mauldan are vested with fee simple title in and to the real estate located in the county of St. Louis City in Missouri, described as follows:

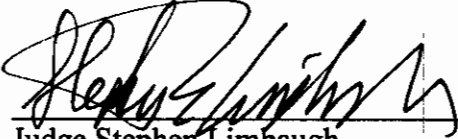
Part of Lot 20 of SCHUYLER'S SUBDIVISION and in Block 1817 of the City of St. Louis, fronting 16 feet on the South line of Hickory Street by a depth Southwardly between parallel lines of 120 feet to an alley, except therefrom a 5 feet by 5 feet triangular cut-off at the intersection of alley, being bounded Westwardly by an alley and Eastwardly by a line parallel with and distant 9 feet West of the East line of said lot 20, said East boundary passing through the approximate center of the partition wall between buildings numbered 2738 and 2740 Hickory Street, according to plat of survey made by Myers, Keller & Byers Company, Surveyors & Engineers on October 9, 1950; also an EASEMENT to occupants of building numbered 2740 Hickory Street to use the sanitary facilities now located on the South part of lot 19 in said Block; including the rights of access thereto, created by instruments recorded in Book 6973 page 67 and Book 6973 page 65, and Book 6973 page 63.

Together with all improvements thereon known as and numbered 2740 Hickory Street.

The court further finds and decrees that Defendants, their unknown heirs, devisees, grantees, assignees, legatees, administrators, executors, guardians, mortgagees, trustees, legal representatives, and all other persons, corporations or successors claiming by, through, or under the defendants, have no claim or interest in the real estate or any lien on it and that the title or claim of defendants or any other persons in and to the real estate is extinguished by their failure to answer or otherwise appear.

Therefore it is ORDERED ADJUDGED AND DECREED by this Court that title to the above-described real estate be and is vested in Plaintiffs Raymond Mayes, James Mayes, Belinda Douglass, Raymond Harris, LaRonda Raybon, Majuana Raybon, LaWanda Woodridge, Johnny Lee Hamilton, Lenier Raybon, Melvin Raybon, Marnique Raybon, Vinson Raybon Jr., and Lorenzo Raybon, Denise Raybon, Delores Raybon, Donna Raybon, Barbara Ann Payne, James

Olie Raybon, Ernest Raybon, Ethell Carnell, Beverly Morris, Jessie Ray Taylor, and Lucille Raybon-Mauldan, in fee simple absolute.



Judge Stephen Limbaugh
United States District Court Judge